

STUDENT PERSONNEL – MALTREATMENT OF MINORS ADMINISTRATIVE PROCEDURES

PERSONS MANDATED TO REPORT: A person who knows or who has reason to believe a child is being neglected or physically or sexually abused, as defined below, or has been neglected or physically or sexually abused within the preceding three years, shall immediately report the information to the human service agency, police department, or the county sheriff where the child resides if the person is:

1. A professional or professional's delegate who is engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, or law enforcement; or
2. Employed as a member of the clergy and received the information while engaged in ministerial duties, provided that a member of the clergy is not required by this subdivision to report information that is otherwise privileged.

RULES FOR REPORTING:

1. If you have contact with or have responsibility for children in your work, you are mandated to report any suspected neglect, physical and/or sexual abuse.
2. You must report suspected neglect or abuse if you have knowledge about the abuse or if you have reasonable cause to believe a child is being neglected or abused.
3. You must report your suspicions personally.
4. **You must report immediately. (The law says within 24 hours, however, it is a wise practice to call it in as soon as possible. A report made early in the day allows human services and law enforcement time during the day to do an investigation and provide for the safety of the child that day, if necessary.)**
5. **Oral reports must be followed up with a written report within 72 hours.**
6. **DO NOT** attempt to investigate the case on your own.
7. **DO NOT** contact the child's parents on your own.
8. Reports can be made either to law enforcement or human services.
9. You will be immune from civil liability if you report in good faith.
10. If you fail to report, you may be subject to criminal prosecution.

Feedback to Mandated Reporters: Any person mandated to report shall receive a summary of the disposition of any report made by that reporter, including whether the case has been opened for child protection or other services, or if the referral has been made to a community organization, unless release would be detrimental to the best interests of the child.

Immunity from Liability: (Criminal or Civil) is granted to any person making a voluntary or mandated report in good faith.

Failure to Report: Is a misdemeanor, which the County Attorney is required to prosecute.

Malicious or Reckless Reports: When a person knowingly makes a false report, they shall be liable in a Civil Suit for actual damages suffered by the person(s) so reported.

“Persons Responsible for the Child’s Care” means:

1. An individual functioning within the family unit and having responsibilities for the care of the child, such as a parent, guardian, or other person having similar care of the child; or
2. An individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting (whether paid or unpaid), counseling, teaching, and coaching.

“Sexual Abuse” means the subjection of a child by a person responsible for the child’s care, by a person who has a significant relationship to the child or by a person in a position of authority, to any act which constitutes criminal sexual conduct. Criminal sexual conduct includes, but is not limited to, the intentional touching (over or under clothing) of intimate parts by the actor, or of the actor by the victim. Sexual abuse also includes any act which involved a minor which constitutes prostitution. Sexual abuse includes threatened sexual abuse.

“Neglect” means:

1. Failure by a person responsible for a child’s care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child’s physical or mental health when reasonably able to do so;
2. Failure to protect a child from conditions or actions which imminently and seriously endanger the child’s physical or mental health when reasonably able to do so;
3. Failure to provide the necessary supervision or child care arrangements appropriate for a child after considering factors as the child’s age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for the child’s own basic needs or safety, or the basic needs or safety of another child in their care;
4. Failure to ensure that the child is educated as defined in sections 120A.22 and 260.155, subdivision 9;
5. Nothing in this section shall be construed to mean that a child is neglected solely because the child’s parent, guardian, or other person responsible for the child’s care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker, or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of medical care may cause serious danger to the child’s health. This section does not impose upon persons, not otherwise legally

responsible for providing a child with necessary food, clothing, shelter, education, or medical care, a duty to provide that care;

6. Prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision 2 (cocaine, heroin, phencyclidine, methamphetamine, and amphetamine or their derivatives), used by the mother for a non-medical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at the delivery of the child at birth, or medical effects or development delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance. Reporters MAY also report if they know or have reason to believe that a woman who knows she is pregnant knowingly abuses alcohol.
7. Chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety;
8. Emotional harm from the pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture;
9. "Medical Neglect" includes, but is not limited to, the withholding of medically indicated treatment from a disabled infant.

"Physical Abuse" means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries. Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in an injury. Actions which are not reasonable and moderate include, but are not limited to, any of the following that are done in anger or without regards to the safety of the child:

1. Throwing, kicking, burning, biting, or cutting of a child;
2. Striking a child with a closed fist;
3. Shaking a child under age three;
4. Striking or other actions which result in any non-accidental injury to a child under 18 months of age;
5. Unreasonable interference with a child's breathing;
6. Threatening a child with a weapon;
7. Striking a child under age one on the face or head;
8. Purposely giving a child poison, or dangerous, harmful or controlled substance which were not prescribed for the child by a practitioner, in order to control or punish the child; or other substances that substantially affect the child's behavior, motor coordination, or judgment or that

results in sickness or internal injury, or subjects the child to medical procedures that would be unnecessary if the child were not exposed to the substances;

9. Unreasonable physical confinement or restraint, including but not limited to, tying, caging, or chaining.

“Mental Injury” means an injury to the psychological capacity or emotional stability of the child as evidenced by an observable or substantial impairment in the child’s ability to function within a normal range of performance and behavior with due regard to the child’s culture.

“Threatened Injury” means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury.

BELTRAMI COUNTY HUMAN SERVICES – 218-759-8300

**BELTRAMI COUNTY SHERIFF’S DEPARTMENT OR
BEMIDJI POLICE DEPARTMENT – 218-751-9111**

**GENERAL RULES FOR REPORTING
MALTREATMENT OF MINORS**

Numbers to report to:	Beltrami County Human Services (Ask for Child Protection Intake)	759-8300
	Law Enforcement Center	751-9111

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